

**REMARKS**

Claims 1-82 are rejected in the present Office Action. In this response, claims 1, 3, 5, 12, 14, 16, 19, 28, 33, 39, 46, 58, and 69 are amended, and claims 2, 6, 13, 17, 25-27, 32, 37, 43, 50, 54-57, 62, 64, 68, and 73 are cancelled without prejudice. Accordingly, claims 1, 3-5, 7-12, 14-16, 18-24, 28-31, 33-36, 38-42, 44-49, 51-53, 58-61, 63, 65-67, 69-72, and 74-82 are pending in the present application. Amendments and or cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and reasons.

**Claim Rejection Under 35 USC §103**

Claims 1-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over the “Design of cyclically permutable codes for PN code acquisition in WCDMA TDD mode” article to Hosur (“Hosur”) in view of “3<sup>rd</sup> generation partnership project; Technical specification group radio access network; spreading and modulation (FDD) (version 3.1.0)” (“3GPPTS25.213”).

As a preliminary matter, claims 3, 5, 14, 16, 19, 28, 33, 39, 46, 58, and 69 are amended for proper claim dependency consistent with cancellation of claims 2, 6, 13, and 17. Claims 25-27, 32, 37, 43, 50, 54-57, 62, 64, 68, and 73 are cancelled without prejudice to remove redundancy consistent with cancellation of claims 2, 6, 13, and 17. Subject matter of claims 2 and 6 are substantially incorporated into claim 1. Subject matter of claims 13 and 17 are substantially incorporated into claim 12.

Hosur’s codewords pertain to synchronization codes (e.g., codeword combinations are generated for the synchronization channel (SCH)). Pages 581-583. In contrast, each of claims 1 and 12 recites, among other things, that the index value *n* is determined from at least one of A-F, of which *D* is the predetermined length of scrambling code. Support is found, for example, at Applicant’s specification Page 12, lines 21-31. 3GPPTS25.213 does not disclose or suggest treating synchronization codes interchangeably with scrambling codes. Applicant is unable to find

disclosure of each and every remaining claim elements in Hosur and/or 3GPPTS25.213. The Office Action is equally silent.

Accordingly, Applicant respectfully submits that each of claims 1 and 12 is allowable over Hosur and 3GPPTS25.213, alone or in combination. It is also respectfully submitted that claims 3-5, 7-11, 14-16, 18-24, 28-31, 33-36, 38-42, 44-49, 51-53, 58-61, 63, 65-67, 69-72, and 74-82, which depend from one of claims 1 or 12, are also allowable over Hosur and 3GPPTS25.213, alone or in combination, for at least the same reasons as discussed above.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Applicant's silence during prosecution should not be construed to be an admission. Applicant reserves the right to address points raised earlier in prosecution at a later time. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 562492004300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 6, 2009

Respectfully submitted,

By           /Katherine D. Lee/            
Katherine D. Lee  
Registration No.: 44,865  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
(415) 268-6983